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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,607	02/13/2001	Gail Langley		3822

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01/11/2005

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EXAMINER

CHAI, LONGBIT

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,607

Applicant(s)

LANGLEY, GAIL

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 5 have been presented for examination. Claims 1 – 5 have been examined (no claim amendment has been filed).

Response to Arguments

2. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.

3. As per claim 1, Applicant remarks, in Scroggie, "a prompt for personal information is transmitted from a main retail store computer to a customer's personal computer over the computer network. In response, personal information data is uploaded from the personal computer to the main computer. The prompt is typically the only information transmitted to the personal computer from the main computer (page 1). In contrast, Applicant's invention allows information from a data source such as a grocery store main computer to be transmitted to the customer's home page or personal computer (page 2)". However, Examiner notes that this argument is not persuasive because the Scroggie patent discloses purchase incentives may be targeted to specific customers based on a customer purchase history, and transmitted to customer's computer using a personal page in the computer network (Scroggie: see for example, Column 17 Line 4 – 14 and Abstract (Page 2 Last Sentence)). Applicant also asserts "the information transmitted from the store is in a form that facilitates subsequent processing by the customer using a spreadsheet, database system or word processor". Examiner notes (a) the Scroggie patent indeed discloses using personal "database

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system” (b) with respect to the implementation details using a spreadsheet or word processor, which are either rendered obvious or lie fully within the normal capabilities of one skilled in the art.

4. Applicant further remarks “Applicant’s authorization code has an entirely different structure and purpose and it is not generated by the store computer (page 3)”. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Furthermore, Applicant remarks “The authorization code and data base address are never entered manually and this would defeat one main purpose of Applicant’s key card, which is to make manual security code entry unnecessary”. Examiner notes Beuk is relied upon providing a smart card to store the authorization code and the address of said database (Beuk: see for example, Column 2 Line 46 – 49: Beuk teaches expressly that any manually entered security code (or settings) can be written and stored into a smart card).

6. As per claim 2, see the same response to argument for claim 1.

7. As per claim 3, Vu is relied upon providing a password to control use of said card (Vu: see for example, Column 4 Line 39 – 46: Vu teaches “two factor authentication” i.e. PIN – Personal Identification Number and security code can greatly reduce the risk of a security breach).

8. As per claim 4 and 5, Applicant remarks “Neither Beuk and Scroggie mention encryption or passwording as additional security measures to protect encoded

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information". Examiner notes RSA-PKCS#5 is relied upon providing password-based cryptography which offers very strong guarantees using a very simple trust model based on a weak authenticator and this trust model is in fact the predominant trust model used in person-to-computer authentication.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie (Patent Number: 6014634), hereinafter referred to as Scroggie, in view of Beuk (Patent Number: 5446266), hereinafter referred to as Beuk.

As per claim 1, Scroggie teaches a system for enabling and controlling remote access for data entry into a personal data base comprising:

an authorization code stored in said personal data base (Scroggie: see for example, Column 17 Line 4 – 7);

a key card containing said authorization code and the address of said data base (Scroggie: see for example, Column 16 Line 65 and Column 6 Line 43);

Scroggie does not disclose expressly that the authorization code and the address of said data base are stored in a key card.

Beuk teaches that the authorization code and the address of said data base can be stored in a smart card (Beuk: see for example, Column 2 Line 46 – 49: Beuk teaches expressly that any manually entered security code (or settings) can be written and stored into a smart card).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Beuk within the system of Scroggie because Beuk teaches a more flexible security system with smart cards containing data representing user-specific apparatus settings (Beuk: see for example, Column 1 Line 53 – 55).

Scroggie as modified further teaches:

means for scanning and reading said address and said authorization code at a remote source of data (Scroggie: see for example, Column 16 Line 65); and

means for transmitting data from said remote source of data into said personal data base when said authorization code in said card matches said authorization code stored in said data base (Scroggie: see for example, Column 17 Line 4 – 14 and Abstract (Page 2 Last Sentence) & Column 16 Line 65).

As per claim 2, Scroggie as modified teaches the claimed invention as described above (see claim 1). Scroggie as modified further teaches said means for transmitting data is the Internet and said address is the IP address of said data base (Scroggie: see

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for example, Column 17 Line 4 – 7: The Web page address and personal page database taught by Scroggie are evidently used in the internet associated with IP address).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie (Patent Number: 6014634), hereinafter referred to as Scroggie, in view of Beuk (Patent Number: 5446266), hereinafter referred to as Beuk, and in view of Vu (Patent Number: US 6557104 B2), hereinafter referred to as Vu.

As per claim 3, Scroggie as modified teaches the claimed invention as described above (see claim 2). Scroggie as modified does not teach expressly employing a password to control use of said card.

Vu teaches comprising means for employing a password to control use of said card (Vu: see for example, Column 4 Line 41 – 46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Vu within the system of Scroggie as modified because Vu teaches “two factor authentication” (i.e. PIN – Personal Identification Number and security code can greatly reduce the risk of a security breach) (Vu: see for example, Column 4 Line 44 – 45 and Column 4 Line 39 – 44).

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie (Patent Number: 6014634), hereinafter referred to as Scroggie, in view of

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Beuk (Patent Number: 5446266), hereinafter referred to as Beuk, in view of Vu (Patent Number: US 6557104 B2), hereinafter referred to as Vu, and in view of RSA-PKCS#5 (Password-Based Cryptography Standard, Version 2.0, 1999), hereinafter referred to as RSA-PKCS#5.

As per claim 4, Scroggie as modified teaches the claimed invention as described above (see claim 3). Scroggie as modified does not disclose expressly comprising means for encrypting said authorization code and said address in said card using said password; and means for employing said password to decrypt said authorization code and said address.

RSA-PKCS#5 teaches encrypting said authorization code and said address in said card using said password; and means for employing said password to decrypt said authorization code and said address (RSA-PKCS#5: see for example, Section 6 Paragraph 1 and Section 6.1.2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of RSA-PKCS#5 within the system of Scroggie as modified because (a) many common cryptographic methods for authentication require large, random high-grade secret keys, yet, the secrets that human beings can conveniently memorize and reliably reproduce tend to be low-grade secrets, and (b) RSA-PKCS#5 discloses password-based authentication technique that offers very strong guarantees using a very simple trust model based on a weak

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authenticator and this trust model is in fact the predominant trust model used in person-to-computer authentication.

As per claim 5, Scroggie as modified teaches the claimed invention as described above (see claim 4). Scroggie as modified further teaches means for employing said password includes a keyboard (Official Notice is taken that the use of a keyboard to enter the password is one of the well-known methods in the field. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use keyboard to enter the password as needed).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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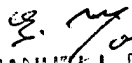
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai
Examiner
Art Unit 2131

LBC


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PRIMARY EXAMINER